

RESPONSE TO OFFICE ACTION
DATED DECEMBER 16, 2005

Appln. No. 10/734,040

- 2 -

March 24, 2006

REMARKS

Request for Extension of Time

Applicant requests that the time period for reply be extended one month, from March 16, 2006 to April 16, 2006. Enclosed is Credit Card Form PTO-2038 authorizing the payment of the one-month extension fee of \$120 pursuant to 37 CFR 1.17(a)(1).

Summary of Rejections

Claims 1-14 are pending and all are rejected as anticipated by U.S. Patent No. 4,621,840 to Foster.

Applicant traverses the rejection of the pending claims, contending that Foster fails to anticipate the claims as demonstrated in the arguments presented below.

The Argument

To anticipate a claim, a reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Foster does not anticipate any of applicant's claims because it does not teach every element recited in any one claim, as shown below on a claim-by-claim basis.

Claim 1

Claim 1 recites a coupling assembly having, among other elements, a housing 12 having a pair of first shoulders 30 and a pair of second shoulders 33 (see Figure 4 as amended in reply of August 3, 2005). Each of the first shoulders is engageable with a respective ring (32, 34) attached to the

RESPONSE TO OFFICE ACTION
DATED DECEMBER 16, 2005

Appln. No. 10/734,040

- 3 -

March 24, 2006

ends of pipe elements 18 and 20. The claim further recites that each of the second shoulders is positioned on an opposite side of a band 48, and is engageable with an edge of the band.

The Examiner states that Foster discloses a coupling (see Figure 1) having a housing 22, the housing having a first pair of shoulders 36 and a second pair of shoulders 34. This is a misinterpretation of Foster. Item 36 is not a shoulder on the housing 22, but is a shoulder on coupling members 18 and 20 as clearly shown in Figure 3 and described at column 3, lines 5-9. Both Figure 1 and the aforementioned description from Foster show that items labeled 34 comprise a pair of shoulders on the housing 22, and these shoulders engage the shoulders 36 on coupling members 18 and 20. These same housing shoulders 34 also engage the edges of band 24 as clearly evident in Figure 1. However, Claim 1 recites that applicant's housing has a second pair of shoulders, and that these second shoulders are each positioned on an opposite side of the band, and each of the second shoulders is engageable with an edge of the band. Foster does not disclose or teach this structure. In Foster, there is no second set of shoulders positioned on opposite sides of the band and engageable with the edges of the band. Only a single pair of shoulders 34 is present in Foster, and this single pair of shoulders engages both the coupling members 18 and 20 and the edges of the band 24 as shown unambiguously in Figure 1.

If the Examiner is interpreting Figure 1 of Foster to indicate that reference character 34 points to the two radially oriented projections on the inner surface of the band 22, applicant points out that these projections are not on opposite sides of the band 24 (as required by the recitation in Claim 1), and cannot engage the edges of band 24, also

RESPONSE TO OFFICE ACTION
DATED DECEMBER 16, 2005

Appln. No. 10/734,040

- 4 -

March 24, 2006

recited in Claim 1. In Foster, the same shoulders 34 engage both the edges of the band and the coupling member 18 and 20. As recited in Claim 1, applicant's invention has two sets of shoulders, the first set engaging the rings on the pipe elements, the second set of shoulders engaging the edges of the band. Clearly, the projections misidentified by the Examiner as shoulders 34 engage the outwardly facing surface of band 24, and not the edges of the band as recited in Claim 1.

Claims 2 and 3 depend upon Claim 1 and should be allowable for the same reasons that Claim 1 is allowable.

Claim 4

Claim 4 depends upon Claim 1 and should be allowable for the same reasons that Claim 1 is allowable. Furthermore, Claim 4 recites that the housing has rims 28 that are in spaced relation to the pipes, the rims being engageable with the pipes upon angular deflection of the pipes. Although the Examiner states that such rims are present, he does not identify them by reference character or by description of Figure 1. If the Examiner is referring to shoulders 34 as "rims", it is noted that they are not in spaced relation from the pipes as recited in Claim 4, but in continuous contact with the pipes. If the Examiner is referring to the projections just outboard of the shoulders 34, it does not appear that these elements would be engageable with the pipe elements as recited in the claim for relative angular deflection between the pipes since they are significantly shorter than the shoulders 34.

RESPONSE TO OFFICE ACTION
DATED DECEMBER 16, 2005

Appln. No. 10/734,040

- 5 -

March 24, 2006

Claims 5 and 6

Claim 5 recites that the shoulders are positioned in spaced relation so as to limit the angular deflection between the pipes to a maximum of 2°. Claim 6 recites that the shoulders are positioned in spaced relation so as to limit the angular deflection between the pipes to a maximum of 4°. The Examiner's remarks to the contrary notwithstanding, Foster is utterly silent on the aspect of relative angular deflection between the pipes. Applicant requests that the Examiner show specifically where in Foster the subject of angular deflection between the pipes is taught or suggested. If the Examiner believes that it is inherent in Foster, then applicant requests that the Examiner explain how the exact same figures and description "inherently" show two precise and distinct maxima for the angular deflection. There is, in fact, no teaching of any angular deflection within Foster, let alone teachings of precise limits for which the coupling is responsible. Claims 5 and 6 also depend upon Claim 1 and should be allowable for the same reasons that Claim 1 is allowable.

Claim 7

Claim 7 recites that the rings 32 and 34 are attached to the pipes 18 and 20 by welding. Contrary to the Examiner's assertion, Foster does not disclose welding of any component to any other component. There are no welds shown in any of the figures, nor do the words weld, weldment or welding appear anywhere in the reference. In view of the total absence of any teaching of welds or welding, applicant cannot understand how Claim 7 can be anticipated by Foster. Applicant requests that the Examiner explain why he believes that Foster teaches that the rings are welded as recited in Claim 7. Applicant

RESPONSE TO OFFICE ACTION
DATED DECEMBER 16, 2005

Appln. No. 10/734,040

- 6 -

March 24, 2006

further notes that Claim 7 depends upon Claim 1 and should be allowable for the same reasons that Claim 1 is allowable.

Applicant notes that Claim 8 and 9 depend upon Claim 1 and should be allowable for the same reasons that Claim 1 is allowable.

Claims 10-14

Applicant notes that the same arguments as provided above with respect to Claim 1 apply equally for Claim 10 and contend, therefore, that Claim 10 should be allowable over Foster. Applicant further notes that Claims 11-14 depend upon Claim 10 and should be allowable for the same reasons that Claims 10 and 1 are allowable. Additionally, Claims 13 and 14 are similar to Claims 5 and 6, and therefore, the arguments provided above also apply for Claims 13 and 14.

Summary

Applicants have shown that Foster does not anticipate any of applicant's claims because it fails to teach every element of any of the claims. Applicant requests therefore that all pending Claims 1-14 be allowed and the application passed to issue.

Respectfully submitted,

SYNNESTVEDT & LECHNER LLP

By: 

John A. Chionchio
Reg. No. 40,954

1101 Market Street, Suite 2600
Philadelphia, PA 19107-2950
Telephone: (215) 923-4466
Facsimile: (215) 923-2189
JAC/dml

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